

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID SUTTON, JR.,

Plaintiff,

CIVIL ACTION NO. 05-CV-70207-DT

vs.

DISTRICT JUDGE VICTORIA A. ROBERTS

COMMISSIONER OF
SOCIAL SECURITY,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendant.

/

**ORDER GRANTING PLAINTIFF'S MOTION FOR ENLARGEMENT OF TIME TO
FILE MOTION FOR SUMMARY JUDGMENT**

Proceeding *pro se*, Plaintiff filed the instant complaint on April 13, 2005, challenging the final decision of the Commissioner of Social Security to deny his application for benefits. On August 19, 2005, Defendant filed a Motion to Dismiss for lack of jurisdiction to which Plaintiff filed a Response on August 23, 2005. On September 30, 2005, Defendant filed a Notice of Withdrawal of its Motion to Dismiss and on October 3, 2005, the undersigned issued a Scheduling Order containing the due dates of the parties' cross motions for summary judgment. Plaintiff filed objections to the Court's Scheduling Order which objections are currently pending before the Honorable Victoria A. Roberts. On October 17, 2005, Defendant filed its Answer to Plaintiff's Complaint and on October 19, 2005, Plaintiff filed an "Ex Parte Application or Request for Abeyance of Defendant's Answer Until The Court Rule on Plaintiff's Objections and Enlargement of Time to File Summary Judgment Pursuant to F. R.. Civ. P. 6(b)." Recently, the Court was advised that Plaintiff is in the process of attempting to secure counsel on this matter.

In light of the foregoing, Plaintiff's Motion for Enlargement of Time to File Motion For Summary Judgment is **GRANTED**. Plaintiff has until December 16, 2005 to file his Motion for

Summary Judgment and Defendant has until January 16, 2006 to file its cross Motion for Summary Judgment.

IT IS SO ORDERED.

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: October 26, 2005

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

Proof of Service

I hereby certify that a copy of this Order was served upon David Sutton, Jr. and Counsel of Record on this date.

Dated: October 26, 2005

s/ Lisa C. Bartlett
Courtroom Deputy